(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4369 /2005

PETITIONER

Mangalram Ahirwar son of Khediram Ahirwar aged 41 years R/o Near Income Tax Office, Bhartiya Nagar Bilaspur C.G. at present - Bilaspur-Raipur Chhetria Gramin Bank, Branch Bandha Distt.Bilaspur (C.G.).

P.H. On 4/10/05
Presented by Shri Harish Sharma
dated 31/10/05

VERSUS

RESPONDENTS

1. Smt.Uma Ahirwar aged 36 years W/o Shri Mangalram Ahirwar Caste Mochi.
2. Rajesh Ahirwar aged 15 years
3. Ku.Asha Ahirwar aged 13 years
4. Narendra Ahirwar aged 11 years

Nos. 2 to 4 children of Mangalram minors through natural guardian mother Smt. Uma Ahirwar, All R/o In Front of Income Tax Office, Bhartiya Nagar Bilaspur- At present R/o Near Bharat Riksha Garrage ,Talapara Bilaspur Distt.Bilaspur (C.G.).

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, ORDER OR DIRECTION.

The petitioner named above, most humbly and respectfully submits as under :

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक W.P. No. 4369/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14/09/2005 Shri Yogeshwar Sharma, Counsel for the petitioner. Heard. Petitioner has filed this writ petition under Article 226/227 of the Constitution of India, questioning the legality, propriety and correctness of the order dated 27/07/2005 passed by the learned Family Court, Bilaspur, Chhattisgarh, whereby the Family Court has directed that Rs.7000/- (Rupees seven thousand only) per month be deducted from the salary of the petitioner and the same should be sent to its Court, Bilaspur. Based on the order dated 14/06/2004 passed by the Chief Judicial Magistrate, the said amount of maintenance was fixed as agreed by the petitioner herein. Therefore, I do not find any illegality or infirmity in the impugned order. Counsel for the petitioner vehemently argued that the petitioner is getting salary only Rs.8,468/- per month and he is not able to pay Rs.7,000/-. More over, after passing this order by the Chief Judicial Magistrate, respondent along with children has started residing in the house of the petitioner and the petitioner has been thrown out from the house. Therefore, in the circumstances, petitioner is not able to pay any amount as ordered and it should be reduced to Rs.5,000/- per month. For this purpose, petitioner is at liberty to approach the Chief Judicial Magistrate, Bilaspur for alteration of the maintenance amount.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
raju	With the aforesaid observation, this petition stands disposed of. Consequently, M.W.P.No.3555/2005 and I.A.No.7914/2005 also stand disposed of. Certified copy as per rules. **Sd/-** **L.C. Bhadoo** **Judge**	

21.9.05